**TRANSMITTAL
FORM**

(to be used for all correspondence after initial filing)

Application Number	10/066,407
Filing Date	January 31, 2002
First Named Inventor	Ronald E. Pelrine
Art Unit	1742
Examiner Name	Donald R. Valentine
Attorney Docket Number	8500-0267

Mail Stop Issue Fee

ENCLOSURES (Check all that apply)

<input type="checkbox"/> No fee due <input type="checkbox"/> Fee Transmittal <input checked="" type="checkbox"/> Fee(s) due <input checked="" type="checkbox"/> Fee Transmittal <input checked="" type="checkbox"/> Check for \$200.00 <input checked="" type="checkbox"/> Charge any underpayment or credit any overpayment to Deposit Account No. 18-0580 <input checked="" type="checkbox"/> Return postcard <input type="checkbox"/> Amendment/Reply <input type="checkbox"/> After Final <input type="checkbox"/> Affidavits/declaration(s) <input type="checkbox"/> Extension of Time Request <input type="checkbox"/> Express Abandonment Request <input type="checkbox"/> Information Disclosure Statement & Form(s) PTO-1449 <input type="checkbox"/> Copy(ies) of cited reference(s) <input type="checkbox"/> Certified Copy of Priority Document(s) <input type="checkbox"/> Response to Missing Parts / Incomplete Application <input type="checkbox"/> Response to Missing Parts under 37 CFR 1.52 or 1.53	<input type="checkbox"/> Drawing(s) <input type="checkbox"/> Licensing-related Papers <input type="checkbox"/> Petition <input type="checkbox"/> Petition to Convert to a Provisional Application <input type="checkbox"/> Power of Attorney, Revocation, Change of Correspondence Address <input type="checkbox"/> Terminal Disclaimer <input type="checkbox"/> Request for Refund <input type="checkbox"/> CD, Number of CD(s):	<input type="checkbox"/> After Allowance Communication to a Technology Center (TC) <input type="checkbox"/> Appeal Communication to Board of Appeals and Interferences <input type="checkbox"/> Appeal Communication to TC (Appeal Notice, Brief, Reply Brief) <input type="checkbox"/> Proprietary Information <input type="checkbox"/> Status Letter <input checked="" type="checkbox"/> Other Enclosure(s) (please identify below): <u>Application for Patent Term Adjustment</u>
Remarks: The Commissioner is hereby authorized to charge any additional or underpayment of fee(s) to Deposit Account No. 18-0580.		

SIGNATURE OF APPLICANT, ATTORNEY, OR AGENT

Firm or Individual Name (print/type)	Shelley P. Eberle, Reg. No. 31,411 Reed & Eberle LLP	Telephone	(650) 330-0900
Signature	<i>Shelley P. Eberle</i>	Date	May 12, 2004

CERTIFICATE OF TRANSMISSION/MAILING

I hereby certify that this correspondence is being deposited with the United States Postal Service with sufficient postage as first class mail in an envelope addressed to: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450 on the date shown below.

Name (print/type)	Joe Clark	Date	May 12, 2004
Signature	<i>Joe Clark</i>		



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FEE TRANSMITTAL
for FY 2004

Effective 10/01/03. Patent fees are subject to annual revision.

☒ Applicant claims small entity status. See 37 CFR 1.27**TOTAL AMOUNT OF PAYMENT** \$200.00**Complete if Known**

Application Number 10/066,407

Filing Date January 31, 2002

First Named Inventor Ronald E. Pelrine

Examiner Name Donald R. Valentine

Group Art Unit 1742

Attorney Docket No. 8500-0267

METHOD OF PAYMENT (check all that apply)☒ Check ☐ Credit card ☐ Money Order ☐ Other ☐ None☒ Deposit Account:

Deposit Account No. 18-0580

Deposit Account Name Reed & Eberle LLP

The Commissioner is authorized to: (check all that apply)

☐ Charge fee(s) indicated below ☒ Charge any underpayment or credit any overpayments☐ Charge any additional fee(s) during the pendency of this application☐ Charge fee(s) indicated below, except for the filing fee to the above-identified deposit account.**FEE CALCULATION****1. BASIC FILING FEE**

Large Entity		Small Entity		Fee Description	Fee Paid
Fee Code	Fee (\$)	Fee Code	Fee (\$)		
1001	770	2001	385	Utility filing fee	
1002	340	2002	170	Design filing fee	
1003	530	2003	265	Plant filing fee	
1004	770	2004	385	Reissue filing fee	
1005	160	2005	80	Provisional filing fee	

SUBTOTAL (1) \$**2. EXTRA CLAIM FEES FOR UTILITY AND REISSUE**

			Extra Claims		Fee from below		Fee Paid
Total Claims		- 20** =		x		=	
Independent Claims		- 3** =		x		=	
Multiple Dependent						=	

Large Entity		Small Entity		Fee Description
Fee Code	Fee (\$)	Fee Code	Fee (\$)	
1202	18	2202	9	Claim in excess of 20
1201	86	2201	43	Independent claims in excess of 3
1203	290	2203	145	Multiple dependent claim, if not paid
1204	86	2204	43	** Reissue independent claims over original patent
1205	18	2205	9	** Reissue claims in excess of 20 and over original patent

SUBTOTAL (2) \$

**or number previously paid, if greater; For Reissues, see above

FEE CALCULATION (continued)**3. ADDITIONAL FEES**

Large Entity		Small Entity		Fee Description	Fee Paid
Fee Code	Fee (\$)	Fee Code	Fee (\$)		
1051	130	2051	65	Surcharge - late filing fee or oath	
1052	50	2052	25	Surcharge - late provisional filing fee or cover sheet	
1053	130	1053	130	Non-English specification	
1812	2,520	1812	2,520	For filing a request for <i>ex parte</i> reexamination	
1804	920*	1804	920*	Requesting publication of SIR prior to Examiner action	
1805	1,840*	1805	1,840*	Requesting publication of SIR after Examiner action	
1251	110	2251	55	Extension for reply within first month	
1252	420	2252	210	Extension for reply within second month	
1253	950	2253	475	Extension for reply within third month	
1254	1,480	2254	740	Extension for reply within fourth month	
1255	2,010	2255	1,005	Extension for reply within fifth month	
1401	330	2401	165	Notice of Appeal	
1402	330	2402	165	Filing a brief in support of an appeal	
1403	290	2403	145	Request for oral hearing	
1451	1,510	1451	1,510	Petition to institute a public use proceeding	
1452	110	2452	55	Petition to revive - unavoidable	
1453	1,330	2453	665	Petition to revive - unintentional	
1501	1,330	2501	665	Utility issue fee (or reissue)	
1502	480	2502	240	Design issue fee	
1503	640	2503	320	Plant issue fee	
1460	130	1460	130	Petitions to the Commissioner	
1807	50	1807	50	Processing fee under 37 CFR 1.17(q)	
1806	180	1806	180	Submission of Information	
				Disclosure Stmt	
8021	40	8021	40	Recording each patent assignment per property (times number of properties)	
1809	770	2809	385	Filing a submission after final rejection (37 CFR § 1.129(a))	
1810	770	2810	385	For each additional invention to be examined (37 CFR § 1.129(b))	
1801	770	2801	385	Request for Continued Examination (RCE)	
1802	900	1802	900	Request for expedited examination of a design application	
Other fee (specify) Filing an application for patent term adjustment					\$200.00*
*Reduced by Basic Filing Fee Paid				SUBTOTAL (3)	\$200.00

SUBMITTED BY

Name (Print/Type)	Shelley P. Eberle	Registration No. (Attorney/Agent)	31,411	Telephone	(650) 330-0900
Signature	<i>Shelley P. Eberle</i>	Date	May 12, 2004		



IFW DAC/\$
Atty Dkt No. 8500-0267

THE UNITED STATES PATENT AND TRADEMARK OFFICE

In Re Application of:

Ronald E. Pelrine et al.

Confirmation No. 3746

Serial No.: 10/066,407

Group Art Unit: 1742

Filing Date: January 31, 2002

Examiner: Donald R. VALENTINE

Title: DEVICES AND METHODS FOR CONTROLLING FLUID FLOW USING ELASTIC SHEET DEFLECTION

APPLICATION FOR PATENT TERM ADJUSTMENT
UNDER 37 C.F.R. § 1.705(b)

Mail Stop Issue Fee
Commissioner for Patents
P.O. Box 1450
Alexandria, Virginia 22313-1450

Sir:

Pursuant to 37 C.F.R. § 1.705(b), applicants respectfully request reconsideration of the patent term adjustment indicated on the Notice of Allowance, mailed on February 18, 2004. This application precedes the payment of the issue fee, and is therefore timely filed in accordance with the Patent Rules at 37 C.F.R. § 1.705(b). The appropriate fee, as set forth in 37 C.F.R. § 1.18(e) is enclosed. The facts in support of this Application for Patent Term Adjustment are as follows.

This patent application was filed on January 21, 2002, and therefore, is subject to the Patent Term Adjustment procedures set forth in 37 C.F.R. § 1.702 for applications filed on or after May 29, 2000.

Because the application was filed without the executed Declaration, the Office mailed a Notice to File Missing Parts ("Notice") on March 19, 2002. The Notice set a two month period for reply extendable for an additional five months.

On April 22, 2002, applicants filed a Response to the Notice to File Missing Parts ("Response"), which was received by the Office on April 29, 2002. Accordingly, the Response was timely filed, without subjecting the applicants to any patent term reduction. An Information Disclosure Statement accompanied the Response, along with Form PTO-1449 and copies of the cited references. The Patent Application Information Retrieval printout for this application

("PAIR Printout") indicates a date of April 29, 2002 for receipt of the Response (entered as "statement by inventors satisfying 35 U.S.C. 115" and "payment of additional fees"), as well as of the Information Disclosure Statement (entered as "Information Disclosure Statement (IDS) filed"). A copy of the PAIR Printout is enclosed as Appendix A. Further, a copy of the postcard and the transmittal for the Response are enclosed as Appendix B, both of which indicate that an Information Disclosure Statement, Form PTO-1449, and copies of cited references, were included with the Response.

On August 25, 2003, the Office mailed a Non-Final Rejection. Also included with the Non-Final Rejection, was Form PTO-1449. Form PTO-1449 had been initialed by the Examiner, thus verifying that the Information Disclosure Statement, Form PTO-1449, and copies of cited references, had been received with the Response, and had been reviewed by the Examiner. A copy of the initialed Form PTO-1449, date stamped April 29, 2002 by the Office, and initialed on August 20, 2003 by the Examiner, is enclosed as Appendix C.

On January 23, 2004, the Examiner telephoned applicants and indicated that he could not locate a copy of the Form PTO-1449. A duplicate copy of the Information Disclosure Statement and Form PTO-1449 was faxed to the Examiner that same day. The PAIR Printout indicates a date of January 23, 2004, as the date for receipt of the Information Disclosure Statement (entered as "Information Disclosure Statement (IDS) filed), which forms the basis for the calculation of 72 days delay on the part of applicants. However, this was a duplicate submission and applicants should not be deprived of any patent term adjustment due to this duplicate submission.

The original Information Disclosure Statement, Form PTO-1449, and copies of cited references, were timely filed, as evidenced by the April 29, 2002 entry in the PAIR Printout, as well as the documents provided in Appendix B. Further, these original documents were reviewed by the Examiner prior to submission of the duplicate documents, as evidenced by Appendix C.

On February 18, 2004, the Office mailed the Notice of Allowance, the Notice of Allowability, and the Determination of Patent Term Adjustment, for this application. The Determination of Patent Term Adjustment noted an adjustment period for this patent application of 75 days. Applicants submit that the Office's patent term adjustment calculation deprives the applicants of 72 days of patent term for the aforementioned reasons, and submit that the following is the correct calculation:

Office adjustment in mailing the Non-Final Rejection:	147 days
Total of days of applicants' reduction:	0 days
Office adjustment minus applicants' reduction:	147 days

In view of the foregoing analysis, applicants respectfully request that the Office increase the patent term adjustment for this application from 75 days to 147 days.

If the Office would like to contact the undersigned by telephone to discuss any aspect of this Application for Patent Term Adjustment, the Office representative assigned to process this request is welcome to call the undersigned at (650) 330-0900.

Respectfully submitted,

By: Shelley P. Eberle
Shelley P. Eberle
Registration No. 31,411

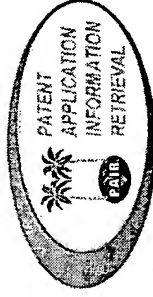
REED & EBERLE LLP
800 Menlo Avenue, Suite 210
Menlo Park, California 94025
(650) 330-0900 Telephone
(650) 330-0980 Facsimile

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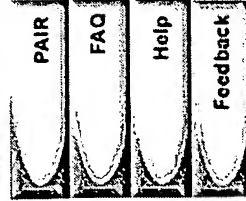


United States Patent and Trademark Office

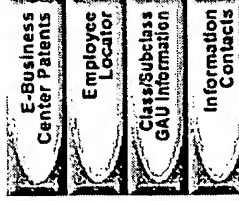
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PATENT APPLICATION INFORMATION RETRIEVAL



Other Links



Select Search Option

Continuity Data

File History

Published Documents

Search

Patent Term Adjustment (PTA) for publication number: 10/066,407

		Days
Filing or 371(c) Date:	01-31-2002	USPTO Delay (PTO): 147
Issue Date of Patent:	-	Three Years: -
Pre-Issue Petitions (days):	+0	Applicant Delay (APPL): 72
Post-Issue Petitions (days):	+0	Total PTA: 75
USPTO Adjustment (days):	+0	Explanation of Calculations

Patent Term Adjustment History

Number	Date	Contents Description	PTO (days)	APPL (days)
25	02-18-2004	Mail Notice of Allowance		
24	02-12-2004	Issue Revision Completed		
23	02-12-2004	Notice of Allowance Data Verification Completed		
22	02-12-2004	Case Docketed to Examiner in GAU		
21	01-23-2004	Information Disclosure Statement (IDS) Filed		72
20	02-02-2004	Notice of Allowability		11
19	11-24-2003	IFW Amended case processing Complete		11
18	11-24-2003	Date Forwarded to Examiner		11
17	11-12-2003	Response after Non-Final Action		11
16	08-25-2003	Mail Non-Final Rejection	147	
15	08-21-2003	Non-Final Rejection	11	

14	04-15-2003	Case Docketed to Examiner in GAU	↑
13	04-09-2003	Transfer Inquiry to GAU	↑
12	10-22-2002	Case Docketed to Examiner in GAU	↑
11	06-14-2002	Case Docketed to Examiner in GAU	↑
10	04-29-2002	Information Disclosure Statement (IDS) Filed	↑
9	05-21-2002	Application Dispatched from OIPE	↑
8	05-20-2002	Application Is Now Complete	↑
7	04-29-2002	Payment of additional filing fee/Preexam	↑
6	04-29-2002	A statement by one or more inventors satisfying the requirement under 35 USC 115, Oath of the Applic	↑
5	03-19-2002	Notice Mailed--Application Incomplete--Filing Date Assigned	↑
3	03-08-2002	IFW Scan & PACR Auto Security Review	↑
2	02-16-2002	IFW Scan & PACR Auto Security Review	↑
1	01-31-2002	Initial Exam Team nn	↑

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Attorney Docket No.: 8500-0267

Mailing Date: April 22, 2002

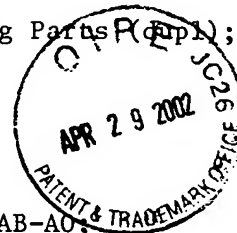
Inventor(s): Ronald E. Pelrine et al.

Serial No.: 10/066,407

Filing Date: January 31, 2002

Document(s):

Response to Notice to File Missing Parts (dupl);
Return copy of Notice;
Declaration;
Small Entity Statement;
Blanket Petition (dupl);
IDS (dupl);
PTO 1449 w/ copies of references AB-AO;
Check for \$1,179.00
Return Post Card.



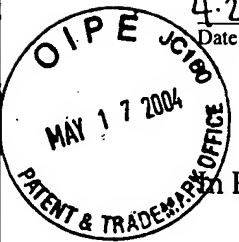
LLW/jc

RECEIVED BY THE UNITED STATES PATENT AND TRADEMARK OFFICE

I hereby certify that this correspondence is being deposited with the United States Postal Service with sufficient postage as first class mail in an envelope addressed to "Commissioner for Patents, Washington, DC 20231" on

Atty Dkt No. 8500-0267
PATENT

April 22, 2002
4.22.02
Date
Signature



IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In Re Application of:
Ronald E. Pelrine et al.

Serial No.: 10/066,407

Group Art Unit: 3753

Filing Date: January 31, 2002

Examiner: Unassigned

Title: DEVICES AND METHODS FOR CONTROLLING FLUID FLOW USING ELASTIC SHEET DEFLECTION

RESPONSE TO NOTICE TO FILE MISSING PARTS

Commissioner for Patents
Washington, DC 20231

Sir:

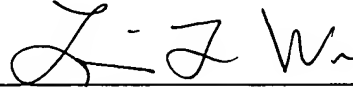
In response to the Notice to File Missing Parts dated March 19, 2002, transmitted herewith for filing are the following documents:

1. a copy of the Notice to File Missing Parts;
2. a Combined Declaration and Power of Attorney signed by the inventors;
3. a Verified Statement Claiming Small Entity Status;
4. a Blanket Petition for Extension of Time and Authorization to Charge or Credit Deposit Account;
5. an Information Disclosure Statement Under 37 CFR § 1.97, Form PTO-1449, and copies of cited references (AB-AO); and
6. a check in the amount of \$1179 to cover the required fees (surcharge, \$65; statutory basic filing fee, \$370; additional claim fees, \$450; additional independent claim fee, \$294).

The Commissioner is hereby authorized to charge any additional fees under 37 CFR §§ 1.16, 1.17 and 1.21 which may be required by this paper, or to credit any overpayment, to Deposit Account No. 18-0580. **A duplicate copy of this sheet is enclosed.**

Respectfully submitted,

By:



Louis L. Wu

Registration No. 44,413

REED & ASSOCIATES
800 Menlo Avenue, Suite 210
Menlo Park, California 94025
(605) 330-0900 Telephone
(650) 330-0980 Facsimile

INFORMATION DISCLOSURE

STATEMENT BY APPLICANT

(Use several sheets if necessary)

APPLICANT:

Ronald E. PELRINE et al.

FILING DATE:

January 31, 2002

GROUP:

3753

U.S. PATENT DOCUMENTS

EXAMINER INITIALS	CITE NO.	PATENT NUMBER	ISSUE DATE	PATENTEE	CLASS	SUBCLASS	FILING DATE IF APPROPRIATE
DRV	AA	Ser. No. 10/059,033		Pelrine et al.	///	///	1/29/02
DRV	AB	4,869,282	9/26/89	Sittler et al.	///	///	
DRV	AC	5,368,704	11/29/94	Madou et al.	///	///	
DRV	AD	5,876,675	3/2/99	Kennedy	///	///	
DRV	AE	6,117,396	9/12/00	Demers	///	///	
DRV	AF	6,268,219	7/31/01	McBride et al.	///	///	

FOREIGN PATENT DOCUMENTS

EXAMINER INITIALS	CITE NO.	DOCUMENT NUMBER	PUBLICATION DATE	COUNTRY OR PATENT OFFICE	CLASS	SUBCLASS	TRANSLATION	
							YES	NO
DRV	AG	WO 98/35529	8/13/98	PCT	///	///		
DRV	AH	WO 01/01025	1/4/01	PCT	///	///		
DRV	AI	WO 01/06575	1/25/01	PCT	///	///		
DRV	AJ	WO 01/06579	1/25/01	PCT	///	///		
DRV	AK	WO 01/58973	8/16/01	PCT	///	///		
DRV	AL	WO 01/59852	8/16/01	PCT	///	///		

OTHER DOCUMENTS — NONPATENT LITERATURE DOCUMENTS

EXAMINER INITIALS	CITE NO.	INCLUDE NAME OF AUTHOR, TITLE OF ARTICLE (IF APPROPRIATE), TITLE OF PUBLICATION, DATE, PAGE(S), VOLUME-ISSUE NUMBER(S), PUBLISHER, AND PLACE OF PUBLICATION
DRV	AM	Pelrine et al. (2000), "High-Speed Electrically Actuated Elastomers with Strain Greater than 100%," <i>Science</i> 287:836-839. <i>no date month</i>
DRV	AN	Unger et al. (2000), "Monolithic Microfabricated Valves and Pumps by Multilayer Soft Lithography," <i>Science</i> 288:113-116. <i>no date month</i>
DRV	AO	Whitesides et al. (2001), "Flexible Methods for Microfluidics," <i>Physics Today</i> 52(6):42-47. <i>no date month</i>

EXAMINER SIGNATURE:

DATE CONSIDERED: 8-20-03

EXAMINER: Initial if reference considered, whether or not citation is in conformance with MPEP 609. Draw line through citation if not in conformance and not considered. Include copy of this form with next communication to applicant.